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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,427	04/20/2004	Michael J. Joslyn	108298539US2	5350
25096	7590	05/02/2007		
PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER RACHUBA, MAURINA T	
			ART UNIT 3723	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/828,427

Applicant(s)

JOSLYN, MICHAEL J.

Examiner

Maurina Rachuba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8, 19, 22, 54, 57 and 59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8, 19, 22, 54, 57 and 59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The claims filed 19 April 2007 have been entered. Any inconvenience to applicant is sincerely regretted.

#### *Allowable Subject Matter*

2. The indicated allowability of claims 8, 19, 22, 54, 57 and 59 is withdrawn. Please refer to the rejections below.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8, 54 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Southwick, 5,782,675. Please refer to figure 3 and its description. '675 discloses a planarizing machine, comprising: a table **120** having a support surface; a processing pad **140** on the support surface; a carrier assembly **110** having a head configured to hold a microelectronic workpiece and a drive assembly carrying the head relative to the support surface; and a solution dispenser **111** separate from the head, the solution dispenser being configured to discharge a planarizing solution onto a plurality of locations on the pad, wherein the solution dispenser comprises a support **102** extending over the pad at a

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location (to the right of the table) spaced apart from a travel path of the head, a fluid passageway (see column 4, lines 64-66) carried by the support through which a planarizing solution can flow, and a nozzle **152** carried by the support and in fluid communication with the fluid passageway, the nozzle being rotatably coupled (about axis V) to the support to be movable between a first position to discharge the planarizing solution at a first angle relative to a surface of the pad and a second position to discharge the planarizing solution at a second angle relative to the surface of the pad, the second angle being different from the first angle, the angles measured in a horizontal plane, and an actuator **155** to move the nozzle. Further, '675 discloses a method of processing a microelectronic workpiece, comprising: removing material from the workpiece by pressing the workpiece against a contact surface **142** of a processing pad and imparting relative motion between the workpiece and the contact surface; and discharging a planarizing solution **192** directly onto a first region of the contact surface and concurrently discharging the planarizing solution directly onto a second region of the contact surface separate from the first region (as the nozzle **152** rotates on support **102**, the solution continues to flow, concurrently discharging solution as broadly claimed), the planarizing solution being deposited onto the first and second regions separate from a head carrying the workpiece, wherein discharging the planarizing solution comprises (a) passing the planarizing solution through a fluid discharge unit that is moveably carried by a support over the processing pad and (b) concurrently moving the fluid discharge unit relative to the support to discharge the planarizing fluid at different regions across the

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contact surface while removing material from the workpiece, and wherein the fluid discharge unit includes a nozzle, and further wherein moving the fluid discharge unit comprises rotating the fluid discharge unit about a pivot point on the support, the fluid discharge unit being pivotally movable between a first position to discharge the planarizing solution at a first angle relative to a surface of the pad and a second position to discharge the planarizing solution at a second angle relative to the surface of the pad, the second angle being different from the first angle.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19, 22 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Southwick, 5,782,675 in view of Tsuji, 5,186,394. '675 discloses the claimed invention, but does not disclose that the support comprises an elongated arm and a fluid passageway carried by the arm through which a planarizing solution can flow, and the distributor further comprises a nozzle carried by the arm and in fluid communication with the fluid passageway, the *nozzle being rotatably coupled to the arm* to be movable between a first position to discharge the planarizing solution at a first angle relative to a surface of the

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pad and a second position to discharge the planarizing solution at a second angle relative to the surface of the pad, the second angle being different from the first angle. '394, in an apparatus for distributing liquid, teaches the use of a rotatable nozzle that is actuated to spray a workpiece at a first angle relative to a surface of the workpiece and at a second angle relative to a surface of the workpiece. It would have been obvious to one of ordinary skill to have provided '675 with the rotatable nozzle of '394, to allow quick and accurate positioning of the nozzle to dispense the fluid, see column 2, lines 17-32.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 8, 19, 22, 54, 57 and 59 have been considered but are moot in view of the new ground(s) of rejection. It is the examiner's position that Southwick, alone or in combination with the teachings of Tsuji, anticipates or makes obvious applicant's invention as claimed. It is noted that the only embodiment (figure 11) that shows a nozzle rotating does not refer to the structure as a nozzle, but as a fluid discharge unit. The embodiment of figure 9 refers to nozzles, but does not describe the nozzles rotating. It is the examiner's position that the term "fluid discharge unit" can be broadly interpreted to be a nozzle, and considers the claimed invention to be supported by the specification as filed. However, applicant should be aware that some confusion may arise on review of the specification.

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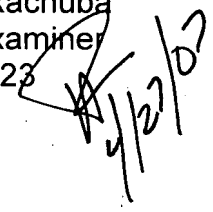
**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurina Rachuba whose telephone number is 571 272 4493. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272 4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Maurina Rachuba  
Primary Examiner  
Art Unit 3723

  
4/27/07